



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
CRIMINAL APPLICATION (ABA) NO. 349 OF 2025

(Iliyas Ali Khan Mumtaj Ali Khan

Vs.

State of Maharashtra, Thr. P.S.O. Police Station Samudrapur, District
Wardha, Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.M. Lodha, Advocate for the Applicant (VC).
Ms. H.N. Prabhu, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 23rd JUNE, 2025

1. Apprehending the arrest at the hands of Police in connection with Crime No.281/2025 registered with Samudrapur Police Station, District Wardha for the offence punishable under Section 136 of the Indian Electricity Act, 1956, the Applicant approached this Court for grant of pre arrest bail. The allegation against the present Applicant is that he has committed a theft of aluminum wire which is owned by the MSEB.

2. Heard learned Counsel for the Applicant, who submitted that the Applicant has cooperated with the investigating agency, the entire investigation is already carried out, the custodial interrogation of the present Applicant is not required. In view of that, he be protected by granting anticipatory bail.

3. Learned APP for the Non-applicant/State, strongly opposed the said application and submitted that two crimes

are registered against the present Applicant under the Prevention of Cruelty to Animals Act, 1960, and therefore, the Application deserves to be rejected. She submitted that, the aluminum wire allegedly stolen by the present Applicant requires to be recovered from the Applicant, for that purpose custodial interrogation is required, and therefore, the Application deserves to be rejected.

4. On hearing both the sides and on perusal of the investigation papers, the involvement of the present Applicant revealed, however, some part of the stolen property is recovered. The Applicant has already attended the concerned Police Station, and therefore, the prayer for grant of anticipatory bail deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

- i. The Application is **allowed**.
- ii. The *ad interim* protection granted to the Applicant by order dated 19.05.2025, is hereby confirmed on the condition that, he shall attend the concerned Police Station twice in a week i.e. on every Monday and Thursday between 10.00 a.m. and 01.00 p.m. and shall produce the aluminum wire which allegedly stolen by him before the Investigating Officer and the same period will be considered as his custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.

iii. The Applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

5. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)